

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Tyrone Price,

Plaintiff,

Case No. 17-cv-13011

v.

Judith E. Levy

United States District Judge

Milmar Food Group, LLC,

Mag. Judge R. Steven Whalen

Defendant.

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**OPINION AND ORDER DENYING PLAINTIFF’S MOTION FOR  
APPOINTMENT OF COUNSEL ON APPEAL [51] AND  
APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR  
COSTS ON APPEAL [53]**

On March 13, 2019, the Court granted in part and denied in part plaintiff Tyrone Price’s motion for relief from judgment under Federal Rule of Civil Procedure 60(b) (Dkt. 44) and dismissed his case with prejudice (Dkt. 45). Now, Price seeks the appointment of counsel on appeal (Dkt. 51) and permission to proceed without prepaying fees of costs on appeal (Dkt. 53). There is no indication that Price has filed an appeal, and so his motions are moot. But even if he has filed an appeal, only the Sixth Circuit has jurisdiction to address his motions because the

Court reached a final decision in this case. 28 U.S.C. § 1291. If Price wishes to appeal the Court's decision and receive any assistance of counsel or financial assistance which he believes that he is entitled to, he must proceed with the United States Court of Appeals for the Sixth Circuit.

Accordingly, Price's motion for appointment of counsel on appeal (Dkt. 51) is **DENIED** and his application to proceed without prepaying fees or costs on appeal (Dkt. 53) is **DENIED**.

IT IS SO ORDERED.

Dated: May 20, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 20, 2019.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager